

Anticipated Classification  
of this Application:  
Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior Application:  
Examiner Kishore  
Group Art Unit 1615

Attorney's  
Docket  
N 66600-AA/  
JPW/GJG/ACK

1  
10/6/03  
07/01/03  
16591 U.S. PTO  
10/6/12768  
07/01/03  
PATENTABLE ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

July 1, 2003

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10/6/03  
07/01/03  
16591 U.S. PTO  
10/6/12768  
07/01/03  
I R:

This is a request for filing a X CONTINUATION

       DIVISIONAL        CONTINUATION-IN-PART application under

X 37 C.F.R. §1.53(b)        37 C.F.R. §1.53(d), of pending prior application

Serial No. 09/875,713 filed on June 6, 2001 of

Claudine S. Ashvar, Su-Ming Chiang, David L. Emerson, Ning Hu and Gerard M. Jensen  
Inventor(s) for

LIPOSOMAL BENZOQUINAZOLINE THYMIDYLATE SYNTHASE INHIBITOR FORMULATIONS

Title of Invention

1. X Enclosed is a copy of the prior application, as originally filed and an affidavit or declaration verifying it as a true copy.
2.        A verified statement to establish small entity status under 37 C.F.R. §1.9 and 1.27  
       is enclosed.  
       was filed in the prior application and such status is still proper and desired (37 C.F.R. §1.28(a)).
3. X The filing fee is calculated as follows:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT

	NUMBER FILED		NUMBER EXTRA*		RATE		FEE	
					SMALL ENTITY	OTHER ENTITY	SMALL ENTITY	OTHER ENTITY
Total Claims	20-20	=	0	X	9	18	= \$ 0	\$ 0
Independent Claims	1-3	=	0	X	42	84	= \$ 0	\$ 0
Multiple Dependent Claims Presented: <u>      </u> Yes <u>X</u> No					140	280	= \$	\$
					BASIC FEE		\$ 375	\$ 750
					TOTAL FEE		\$	\$ 750

\*If the difference in Col. 1 is less than zero, enter "0" in Col. 2.

<sup>1</sup> Filing an application pursuant to this section expressly abandons the parent application.

4.   X   The Commissioner is hereby authorized to charge payment of the following fees associated with this application or credit any overpayment to Deposit Account No. 03-3125.
- X   Any additional filing fees required under 37 C.F.R. §1.16.
- X   Any patent application processing fees under 37 C.F.R. §1.17.
- The issue fees set forth in 37 C.F.R. §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. §1.311(b).
5.   X   Three copies of this sheet are enclosed.
6.   X   A check in the amount of \$ 750.00 is enclosed.
7.        Cancel claims   .
8.        Amend the specification by inserting before the first line the sentence: --This is a        continuation        division of application Serial No.                         , filed                         .--
9.   X     5   Sheet(s) of        informal   X   formal drawing(s) is/are enclosed.
10.        Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
11.        Priority of application No.                          filed on                          in                          (country) is claimed under 37 U.S.C. §119.
- The certified copy of the priority application has been filed in prior application Serial No.                         , filed                         .
12.   X   The prior application is assigned of record to OSI Pharmaceuticals, Inc.
13.   X   A preliminary amendment, including an Information Disclosure Statement
14.   X   The power of attorney in the prior application is to:

John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Robert T. Maldonado (Reg. No. 38,232); Paul Teng (Reg. No. 40,837); Richard F. Jaworski (Reg. No. 33,515); Alan J. Morrison (Reg. No. 37,399); Mark A. Farley (Reg. No. 33,170); Pedro C. Fernandez (Reg. No. 41,741); Gary J. Gershtik (Reg. No. 39,992); and Christine S. Nickles (Reg. No. 51,103)

- (a) \_\_\_\_\_ The power appears in the original papers in the prior application.
- (b)   X   Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- (c)   X   Address all future communications to:  
(May only be completed by applicant,  
or attorney or agent of record.)

John P. White

Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036

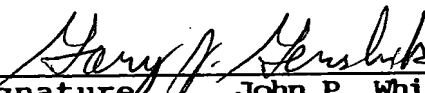
15.   X   Also enclosed Express Mail Certificate of Mailing No.

EV 325 703 357 US dated July 1, 2003

16. \_\_\_\_\_ I hereby verify that the attached papers are a true copy of prior application Serial No. \_\_\_\_\_ as originally filed on \_\_\_\_\_.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

July 1, 2003  
Date

  
Signature John P. White, Reg. No. 28,678  
Gary J. Gershik, Reg. No. 39,992

\_\_\_\_ INVENTOR(S)  
\_\_\_\_ ASSIGNEE OF COMPLETE INTEREST  
  X   ATTORNEY OR AGENT OF RECORD  
\_\_\_\_ FILED UNDER 37 C.F.R. §1.34(a)

**Address of Signator:**

John P. White  
Cooper & Dunham LLP

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New York, New York 10036

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Claudine S. Ashvar et al.  
Serial No. : Not Yet Known (continuation of U.S. Serial  
No. 09/875,713, filed June  
6, 2001)  
Filed : Herewith  
For : LIPOSOMAL BENZOQUINAZOLINE THYMIDYLATE  
SYNTHASE INHIBITOR FORMULATIONS

1185 Avenue of the Americas  
New York, New York 10036  
July 1, 2003

Mail Stop Patent Application  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

**EXPRESS MAIL CERTIFICATE OF MAILING**  
**FOR ABOVE-IDENTIFIED APPLICATION**

"Express Mail" mailing label number: EV 325 703 357 US  
Date of Deposit: July 1, 2003 I hereby certify  
that this paper or fee is being deposited to the United States  
Postal Service "Express Mail Post Office to Addressee" service  
under 37 C.F.R. §1.10 on the date indicated above and is  
addressed to the Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450:

Printed Name: John P. White

Respectfully submitted,

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